IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 17990 of 2004

Between:

1.K.Madhavilatha, w/o Ramaprasadaraju,
r/o Bhimavaram, W.G.District.
2.D.Krishnam Raju, s/o Suryanarayana Raju,
r/o Bhimavaram, W.G.District.
3.D.Suresh Kumar, s/o Krishnam Raju,
r/o Bhimavaram, W.G.District.

..... PETITIONERS

AND

Additional Asst.Engineer (Operations)A.P.Eastern Power Distribution Co.Ltd.,
Nidamarru, W.G.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of writ of mandamus directing the respondent not to remove the service connection of power supply of the petitioners by declaring that the action of the respondent vide his notice Lr.No.AAE/O/NDMR/F dt.19-8-2004 is highly arbitrary, illegal violative of principles of natural justice discriminatory violative of Art.14, 21 and 300-A of the constitution of India.

Counsel for the Petitioners: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondent.

Petitioners state that they obtained three service connections of power supply in the year 1994 bearing S.C.Nos.412, 277 and 276 for the purpose of agricultural operations at Tokalapalli village, Nidamanuru Mandal of West Godavari District. They state that they have been regularly paying the energy consumption charges and there is absolutely no default at any point of time. While so, the impugned proceedings dated 19.08.2004 issued by the respondent has been served on the petitioners, in which it is stated that as per the proceedings of the District Collector, West Godavari in R.C.No.D6/11717/96, dated 08.08.1999, the land of the petitioners form part of Contour +5' MSL as per the map of the Principal Chief Conservator of Forests, Andhra Pradesh and that it also falls within the bird Sanctuary of Kolleru and therefore, the electrical service connections of the petitioners will be disconnected after one week from the date of the said notice. The petitioners deny all the allegations made in the said notice and state that the land in question is their own land. It is also contended that the unilateral decision of the respondent under the impugned notice to disconnect the power supply to the service connections of the petitioners without affording any opportunity to rebut the allegations made therein, is arbitrary and illegal apart from the being without jurisdiction.

A reading of the impugned notice shows that the petitioners were not issued any prior notice to rebut the allegations that the land in question forms part of Bird Sanctuary of Kolleru. It is also the specific plea of the petitioners that the proceedings of the District Collector, West Godavari District, dated 08.08.1999 were not served on them

and in the absence of the same, they cannot effectively explain the allegations in the impugned notice.

In the circumstances, I am of the view that it would be appropriate to afford an opportunity to the petitioners to meet the allegations made in the impugned notice.

Accordingly, the impugned notices are set aside and the writ petition is disposed of with a direction to the respondent to furnish a copy of the proceedings of the District Collector, West Godavari District, Eluru in R.C.No.D6/11717/96, dated 08.08.1999, within one week from today. On receipt of the said proceedings, it is open to the petitioners to submit their explanations to the respondent treating the impugned notice as show-cause notice within one week thereafter. If such explanations are received within the time specified above, the respondent shall consider the same and pass appropriate orders in accordance with law.

Till such orders are passed, there shall not be any disconnection of power supply to the petitioners' Service Connection Nos.412, 277 and 276 situated at Tokalapalli village, Nidamarru Mandal, West Godavari District.

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05.10.2004

VGB

To

1 Additional Asst.Engineer (Operations)A.P.Eastern Power Distribution Co.Ltd., Nidamarru, W.G.District.

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